Their Lordships will report their opinion to the Head of Malaysia accordingly.

Appeals dismissed.

Solicitors: *Stephenson, Harwood & Tatham; Speechley, Mumford & Soames; Parker, Garrett & Co.*

TAY CHWEE CHENG v. SINGAPORE SING HUA POEY CHIN ASSOCIATION

[O.C.J. (Ambrose J.) January 12, 1968]
[Singapore — Suit No. 1228 of 1966]

Landlord and Tenant — Premises subject to Control of Rent Ordinance — Possession claimed under s. 15(1)(d) of the Control of Rent Ordinance (Cap. 242).

Possession was claimed under section 15(1)(d) of the Control of Rent Ordinance on the ground that the defendant had been guilty of using or permitting the use of the premises as a common gaming house in contravention of section 4(1)(b) of the Common Gaming Houses Ordinance, 1961.

Held: there was no evidence to show that the defendants had been guilty of using or permitting the use of the premises as a common gaming house in contravention of section 4(1)(a) or (b) of the Common Gaming Houses Ordinance, 1961.

[Editorial Note: On appeal, the Federal Court dismissed it on the ground that the action was misconceived, defendants being an unincorporated association and could not be tenants at law: *Indo Australian Trading Co.* v. *Hin Ann Huay Kuan* [1956] M.L.J. 193 and *Malay Women's Welfare Association* v. *Tan Ek Joo Realty Co.* (1957), 3 M.C. 101.]

CIVIL SUIT.

James Loh for the plaintiff.

T. C. Cheng for the defendant.

Ambrose J.: This action was brought by the plaintiff to recover possession of the premises known as No. 228 Orchard Road, Singapore.

The premises, which were let by the plaintiff to the defendant, were at all material times subject to the Control of Rent Ordinance (Cap. 242). The defendant's tenancy was duly determined on the 30th April, 1966, by a notice to quit in writing dated the 29th March, 1966, and served on the defendant on the 31st March, 1966.

Possession was claimed under section 15(1)(d) of the Control of Rent Ordinance on the ground that the defendant had been guilty of using or permitting the use of the premises as a common gaming house in contravention of section 4(1)(b) of the Common Gaming Houses Ordinance, 1961. The said section 4(1)(b) reads:—

"Any person who permits a place of which he is owner or occupier or of which he has the use temporarily or otherwise to be kept or used by another person as a common gaming house shall be guilty of an offence and shall be liable on conviction to a fine not exceeding six thousand dollars or to imprisonment for a term not exceeding three years or to both such fine and imprisonment."

Ang Kim Whatt, an Acting Assistant Superintendent of Police, gave the following evidence for the plaintiff. On the 15th July, 1965, a police party led by him raided the premises in question at about 2.20 a.m. and arrested 28 persons for gambling. They were all charged with gaming in a common gaming house in contravention of section 6(1) of the Common Gaming Houses Ordinance. All of them pleaded guilty, were convicted and fined. Two of them were living at the premises. More than half of them were members of the defendant association. No action was taken against the defendant.

Fong Ying Loong, an Assistant Superintendent of Police, testified that no further action was taken against the defendant on the instructions of the Deputy Public Prosecutor.

Lim Eng Peng, who was called by the defendant, gave the following evidence. He was president of the defendant association for the last 18 years. Rule 32 of the rules of the association forbids gambling of any kind on the association's premises. Notices were posted on the premises forbidding gambling. Since he became a member of the association in 1949 he had not seen any form of gambling at the premises. The association had never been charged with any offence. The premises were closed after 12 midnight. He came to know about the incident of the 15th July, 1965, when he received a letter from A.S.P. Fong Ying Loong dated the 8th November, 1965. When he received the letter, investigations were made, but he could not ascertain who the persons who gambled on the night in question were. After receiving the letter, he issued a warning that any member found gambling on the premises would be expelled. No permission was granted by the defendant for the use of the premises for gambling on the night in question.

On the evidence before me, I was not satisfied that the defendant had been guilty of using or permitting the use of the premises as a common gaming house in contravention of section 4(1)(a) or (b) of the Common Gaming Houses Ordinance, 1961. I therefore dismissed the plaintiff's claim with costs.

Claim dismissed.

Solicitors: *Lal Behari Singh; Cheng & Co.*

BUKIT RAJAH RUBBER CO. LTD. v. COLLECTOR OF LAND REVENUE, KLANG

[O.C.J. (Raja Azlan Shah J.) October 12, 1967]
[K.L. — Civil Application No. 2 of 1966]

Land Laws — Compulsory acquisition — Rubber estate land acquired for radio station — Market value — Methods of assessment — Agricultural value — Potential development value — Land Acquisition Act, 1960.

This was a reference under section 38 of the Land Acquisition Act, 1960, in respect of the compulsory acquisition by the Central Government of 50 acres of land under rubber, about 25 years old, belonging to the applicant for a site for Radio Malaysia transmitting station. The land is situated about 3 miles north of Klang town